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Attorneys for Defendant Johnson Products Company, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

San Francisco Technology Inc.,

Plaintiff,

vs.

The Glad Products Company, et al.

Defendants.

CASE NO. 5:10-CV-00966-JF (PVT)
ORDER APPROVING
**JOINT STIPULATION TO SEVER
DEFENDANT JOHNSON PRODUCTS**

1 WHEREAS, Plaintiff San Francisco Technology Inc. ("SF Tech") filed its Complaint (D.I. 1)
2 on March 5, 2010 (the "Complaint") alleging that numerous defendants have falsely marked articles
3 in violation of 35 U.S.C. § 292;

4 WHEREAS, Defendant Johnson Products Company, Inc. ("JPC") previously filed a Motion
5 To Dismiss For Failure To State A Claim (the "Motion To Dismiss");

6 WHEREAS, on May 28, 2010, this Court entered a stipulation staying the hearing on JPC's
7 Motion To Dismiss and all proceedings as to JPC and certain other defendants until the Federal
8 Circuit entered a decision in *Stauffer v. Brooks Bros.*, Appeal Nos. 2009-1428, 2009-1430, 2009-
9 1453 ("*Stauffer*") (D.I. 189) (the "Stipulated Stay");

10 WHEREAS, this Court's Order Re Pending Motions on July 19, 2010 (D.I. 315) ordered that
11 "this action is hereby severed as to each and every separate defendant" (at 21:16-18), but did not
12 instruct the Clerk to open a new case number as to JPC (the "July Order");

13 WHEREAS, the Federal Circuit entered a decision in *Stauffer* on August 31, 2010, and,
14 accordingly on October 14, 2010, this Court issued an Order lifting "the stay of litigation imposed
15 by" the July Order, in, among others, Case No. 5:10-cv-00966 *San Francisco Technology Inc. v. The*
16 *Glad Products Co.* (D.I. 319) ("October Order");

17 THEREFORE, for the avoidance of doubt, the Parties, by and through their respective
18 counsel of record, hereby stipulate and agree as follows:

19 1. The Complaint against JPC will be formally severed into a separate action, and will
20 be assigned a new case number for the matter *San Francisco Technology Inc. v. Johnson Products*
21 *Company, Inc.*

22 2. The October Order lifts the Stipulated Stay as to JPC.

23 3. JPC's responsive pleadings are due no later than November 15, 2010.

24
25 IT IS SO ORDERED.

26 Dated: 11/4/2010

By:


HONORABLE JEREMY FOGEL
United States District Judge

1
2 DATED: November 1, 2010

Respectfully submitted,

3 /s/ Daniel H. Fingerman (with permission)

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9 /s/ Rachel Walsh

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Certificate of Service

The undersigned certifies that on November 1, 2010, the foregoing document was filed with the Clerk of the U.S. District Court for the Northern District of California, using the court's electronic filing system (ECF), in compliance with Civil L.R. 5-4 and General Order 45. The ECF system serves a "Notice of Electronic Filing" to all parties and counsel who have appeared in this action, who have consented under Civil L.R. 5-5 and General Order 45 to accept that Notice as service of this document.

Date: November 1, 2010

Kirkland & Ellis LLP

s/ Rachel Walsh

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